

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A. BURNHART

Plaintiff,

v.

ROBERT MASKO,

Defendant

Case No. C07-5425RJB/JKA

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR A
CONTINUANCE

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion asking for an extension of time to respond to defendant's motion for summary judgment (Dkt # 32). In his motion plaintiff cites to Fed. R. Civ. P. 56 (f)(2) as grounds for granting an extension. This portion of rule 56 states:

(f) When Affidavits Are Unavailable. If a party opposing the motion shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) deny the motion;

(2) order a continuance to enable affidavits to be obtained, depositions to be taken, or other discovery to be undertaken; or

ORDER

1 (3) issue any other just order.

2 Plaintiff states he is not able to obtain affidavits, and that he needs discovery. Plaintiff does
3 not indicate why he did not obtain affidavits during the month while the motion for summary
4 judgment was pending(Dkt. # 32). Plaintiff does not show he has taken any steps to obtain
5 affidavits. Further, discovery in this action has been closed since March 14, 2008 (Dkt. # 23).
6 Plaintiff provides no specific information why he could not respond to the motion for summary
7 judgment in a timely manner. Plaintiff has not shown good cause for any extension of time.

8 Because plaintiff's motion was made prior to his response being due, plaintiff will be given
9 until **May 30, 2008**, to file his response. Defendants will be given until **June 6, 2008**, to file a reply
10 and defendants motion for summary judgment, (Dkt # 28), is re-noted on the courts own motion for
11 **June 6, 2008**.

12 The Clerk is directed to send a copy of this Order to plaintiff and counsel, remove Docket #
13 32 from the court's calendar and re-note Docket. # 28 for June 6, 2008.

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15 DATED this 22 day of May 2008.

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17 /S/ J. Kelley Arnold

18 J. Kelley Arnold

19 United States Magistrate Judge
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28 ORDER